



APPROVED

KITTERY PORT AUTHORITY
September 5, 2013 Meeting Minutes
Council Chambers, Town Hall

Members Present: Bob Melanson, Chairman, Tom Smith, Barry Bush, Ray Grenier, Steve Lawrence, Dan Arbo.

Members Absent: Kelly Philbrook

Staff: Harbormaster Mike Blake

The meeting of September 5, 2013 was called to order at p.m.

1. Pledge of Allegiance

2. Minutes – August 1, 2013

Mr. Bush moved to accept the minutes

Mr. Lawrence seconded

Motion carried unanimously by all members present

3. Public Segment

Milton Hall:

- Asked about the float on the deep back channel. Mr. Blake noted this was approved approximately two years ago, by the former Harbormaster.
- Traip ramp brackets are down. The Harbormaster will look into this.
- Public Service Handbook: *Boards and Committees, as well as the Kittery Port Authority, find themselves uniquely situated in the government organization. Appointed volunteers receive no compensation. Members are appointed, not elected, and they may not represent an identifiable constituency. In some cases, they have considerable authority and staff can easily implement their recommendations, while in other areas their function is as advisors to Town Council, without any authority. The Town's Boards and Committees exercise the authority delegated to them by the Town Council as set forth in the Town's ordinances and Charter, with exception of the Kittery Port Authority, which has its authority defined under State statute.*
- *The Town Staff works for the Town Manager, and through him/her, for the Town Council. Staff does not work for Board members with the exception of the Harbor Master, who works for the Kittery Port Authority.*

Jake Tennent, 19 Old Ferry Lane, noted his concern about the number of moorings put out in the Town, especially on a one-to-one basis. Taxpayers are not able to share in the use of moorings, which other towns offer. Title 37 stipulates that moorings in Pepperrell Cove or in the Federal Navigation channel require the mooring ratios to which Kittery complies. The Back Channel is another matter. Mr. Bush explained because the Town accepts federal monies, they must adhere to Army Corp standards, which prohibit discriminating against non-residents. Mr. Tennent stated there are only two Maine residents that hold moorings on the NH side.

Mr. Melanson will respond to his inquiry via email.

There was no further public comment.

4. Budget Report - Year to date Operating Income & Expense- Mike Blake

Operating budget is \$108,091; expenses to date total \$30,778.87 or 28.5%. This is typically our busy time of the year with maintenance and upkeep, but we are in-line for the year. Revenue budget is \$118,000.

5. Harbormaster Report- Mike Blake

- Riparian moorings:
 - Peter Matthews – 225 Whipple Road. Owner has a 40-foot sailboat and 218 feet of frontage, but not enough room or deep water to have mooring directly in front of property.
Mr. Bush Moved to approve the mooring application of Peter Matthews, 225 Whipple Road, for a riparian mooring (adjacent to Hitch Rocks)
Mr. Grenier seconded
Motion carried unanimously by all members present
 - Scott Cunningham – Warren’s Lobster House is requesting mooring (to be determined) for boats at large for pick-up and delivery. Mr. Lawrence stated he believes there is enough room. Mr. Bush concurred.
Mr. Bush moved to approve the application by Scott Cunningham, Warren’s Lobster House, for mooring site to be determined in the Back Channel near the restaurant.
Mr. Smith seconded
Motion carried unanimously by all members present
- Harbormaster Annual Report: Mr. Melanson provided a draft of the report to Board members for their review and input via email to the Harbormaster and himself. The report is due at the end of September.
- Pepperrell Cove railings have been patched;
- 2,000 gallon holding tank at Frisbee Pier has cracked. They are looking at the best and least expensive way to fix.
- Received three calls, including one for a sailboat caught in lobster trawl and the sea-tow had to be towed in.
- Asked for Authority input regarding pulling of floats. October 16 has a high tide at 10:00 a.m. giving the crane time to come in and set up. The process takes about 4-4 ½ hours.
Mr. Smith moved to set the float-out date for Wednesday, October 16, weather permitting
Mr. Grenier seconded
Motion carried unanimously by all members present
- Frisbee Family dedication plaque completed and shared with the Authority. A ceremony will be held for formal dedication.

6. Marinas Piers and Floats – Public Hearings

- 62 Pepperrell Road. Construct a 6 X 100’ Pier with a 4 x 55’ Aluminum Gangway and a 12 x 30’ Float System.
Public Hearing opened at 6:30 p.m.
Zachery Taylor, Riverside Pickering and Marine, summarized the project and noted the NRPA and ACOE applications have been submitted, Submerged Land Lease permit received, and a site walk held. The fixed pier would be constructed from the sea wall. Shoreline is predominately ledge and boulder covered with rock weed. Limited areas are available for the pier construction due to topography, so pier located to the right of the property. Bureau of Lands had no issues or concerns regarding the location near Ft. McClary.
Mr. Melanson noted the site walk was well attended by members.
There was no public comment.
The Public Hearing closed at 6:34 p.m.

Mr. Bush moved to approve the application for a pier at 62 Pepperrell Road as presented.
Mr. Lawrence seconded
Motion carried unanimously by all members present

- 92 Whipple Road. Configure an existing gangway and float system located by pilings for deepwater access.

Public Hearing opened at 6:35 p.m.

Zachery Taylor, Riverside Pickering and Marine, summarized the project and noted the existing structure was previously approved by the KPA. The existing floats will be used and reconfigured to allow for greater deep-water access. Approval has been received from ACOE and Submerged Lands. In working with Submerged Lands, the re-design has placed the system outside of the 50' setback, meeting both state recommendations and local regulations.

Milton Hall: All the floats are lying in line and getting closer to the lobster area.

Mr. Taylor stated the square footage has remained the same.

There was no further public comment.

The public hearing closed at 6:40 p.m.

Mr. Smith noted the mooring closest to the dock belongs to the owner and noted the railings needed attention.

Mr. Arbo moved to approve the re-configuration request for 92 Whipple Road as presented.

Mr. Bush seconded

Mr. Melanson noted all required approvals must be received prior to the issuance of a building permit
Motion carried unanimously by all members present

7. Projects:

- BIG Recap: Prior to the August meeting, a workshop was held with Council. Council requested further information, but support was still behind the project. Subsequent to the August meeting, another workshop with Council was held, at which time the Council voted to turn down the BIG project that had begun four years earlier. Dan Stewart of the MDOT asked to speak to Council and relayed the history of the project, and reminded the Council that an agreement had been signed in 2011 by the Town Manager and MDOT authorizing the project to proceed. With the exception of Mr. Brake, all Council members served on the Council at the time of the 2011 agreement. Mr. Stewart explained that by now turning down funds awarded, this action could jeopardize future federal funding to Kittery, other municipalities and the State of Maine, as well as potentially impacting the ability of the Town to receive state funding. The Council is now reconsidering their decision. Former Councilor Gary Beers is working with the Authority to re-present to the Council on September 18. He noted that all permits and the design have been approved.
A KPA workshop to discuss next steps was scheduled for Tuesday, September 10 at 6:00 p.m. in Town Hall.
- Comprehensive Harbor Plan: A public forum will be held TBD to study the plan.
- Rice Ave: This area needs to be utilized for the community.
- Dredge Project: Eddie Howells needs to be taken for a boat trip regarding this issue.

8. New Business:

- Kittery Mooring Fields – Mike Blake & Barry Bush
Harbormaster Blake explained that they discussed Rice Avenue and how best to proceed with limited funds and personnel. He suggested turning it into a kayak farm and charge for storage of kayaks. Numbers and traffic impact need to be considered. Interest in mud-moorings had been expressed as well.
Isle of Shoals: Need to check with sounding weights to determine available space in the area.
Island area: around Badgers Island.
Back Channel: There may be room for one or two additional moorings, but not many.
Pepperrell Cove: Need to wait until the BIG project is finalized to determine where existing moorings may be moved.

Harbormaster Blake will present additional information on moorings in the Isle of Shoals and the kayak farm at the November KPA meeting.

9. Correspondence & Comments

- Frisbee Memorial Plaque – Kelly Philbrook and Mike Blake (addressed earlier)

10. Board Members – New & Old Business

Mr. Lawrence asked about the block and rope at the town dock. Harbormaster Blake has the block and will get the rope. He also asked about getting power to the pump noting the problem seems to be in the switch. He returned the keys to the bath-house.

Mr. Melanson noted there will be port-a-potties available until the BIG project is finalized, at which time the cracked tank will be dealt with.

Dan Arbo and Steve Lawrence have been re-appointed to the KPA, and need to be sworn in.

- Badgers Island Marina – ‘The Reef’ Floating Restaurant – John LaPierre and Mike O’Neal.

Mr. LaPierre provided a hand-out to the members. He noted the proposed modifications in the plan and referenced photos provided. He explained this is the same area where a railway used to be and believes pilings will not be needed because the ground is solid, and it could be bolted to the existing pier. During extreme tides, it would float and return to a cradle. With this concept, a Submerged Lands permit would not be needed. Regarding DEP review, he explained that using it as a boat and utilizing the marina facilities for waste, there is no issue. The US Coast Guard does not consider the structure a boat; the State Fire Marshall explained if a capacity of 49 is not exceeded, they do not need to be involved; they are still in discussions with ACOE.

Mr. Melanson noted that Bob Green of the DEP has said this project does need to be reviewed by them, and this inconsistency needs to be resolved. Mr. Melanson noted this letter does regard the previous configuration, not the new idea.

Mr. Bush asked if they will be using pilings. Mr. LaPierre stated the ground appears solid, so pilings should not be needed. Discussion followed regarding whether testing would be needed and potential design so that it can remain a floating restaurant; parking availability on the site; utilizing the marina’s pump-out system for sewerage; the kitchen is small, so food service would be appetizers and sandwiches, enough service to receive a liquor license.

What is the next step? Mr. Arbo suggested pilings would look better, matching the existing dock.

Discussion followed regarding location, construction methods, permitting and the local review process. Mr. LaPierre stated the CEO explained they needed KPA input, and will follow up with the DEP. Mr. Bush explained once it is attached, it becomes a ‘permanently moored craft’, not a vessel.

Mr. Melanson will correspond with the CEO and Planning Office regarding the KPA’s review.

11. Adjourn

Mr. Smith moved to adjourn

Mr. Bush seconded

Motion carried unanimously by all members present

The KPA meeting of September 5, 2013 adjourned at 7:37 p.m.

Submitted by Jan Fisk, September 22, 2013